

United States District Court  
District of Massachusetts

Edward Fielding,  
Plaintiff

v.

Massachusetts Judiciary,  
Respondent

Docket No.

04-11801-DPW

**Affidavit in support of  
Motion to the Reopening the Time to File an Appeal**

Now comes the Plaintiff, Edward Fielding, Pro se, and  
duly states as follows:

- 1) On August 11, 2004 Plaintiff's Civil Rights Complaint was received and entered by the court.
- 2) On September 10, 2004 pursuant to the Prisoners Litigation Reform Act the court dismissed Plaintiff's complaint.
- 3) On September 20, 2004 the court entered Plaintiff's Motion to Alter or Amend Judgment.
- 4) On September 24, 2004 the court by Electronic Order denied the Motion.
- 5) The Plaintiff has been incarcerated since July 3, 1972 and has no access to any computer or electronic equipment, and did not receive any memorandum and order, or electronic order by the court as it pertains to the Motion. Moreover, the Plaintiff is proceeding Pro se because of indigency, and is not an attorney.
- 6) On November 15, 2004 the Plaintiff having not received any correspondence from the court concerning the Motion mailed the clerk a status update letter requesting information. (exhibit 1).

- 7) On November 19, 2004 the Plaintiff received an Electronic Order by the court, (exhibit 2), whereby the Plaintiff had absolutely no understanding whether this unsigned paper had any official significance upon the issue before the court.
- 8) On January 18, 2005 the Plaintiff lacking any understanding concerning the electronic order mailed the clerk a second status update letter questioning its authenticity and concerned over notice in order to file a proper appeal. (exhibit 3).
- 9) On February 2, 2005 the Plaintiff received a copy of the docket entries. (exhibit 4).
- 10 ) On February 8, 2005 the Plaintiff in response to receiving the docket has submitted a Notice of Appeal and Motion to the Reopening the Time to File an Appeal.

Pursuant to 28 U.S.C. ¶¶ 1746, I declare under the penalty of perjury that the foregoing is true and correct.

Respectfully submitted by  
the Plaintiff

*Edward Fielding*

Edward Fielding, Pro se  
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Dated: February 8, 2005